

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER BATCH,	)	CIVIL ACTION NO. 2:11-cv-875
	)	
Plaintiff,	)	Judge Joy Flowers Conti/
	)	Magistrate Judge Cynthia Reed Eddy
v.	)	
	)	
BUTLER COUNTY, CONSTABLE	)	
ROBERT GEAGAN, BUTLER CITY	)	
POLICE DEPARTMENT and POLICE	)	
OFFICER RENSEL,	)	
	)	
Defendants.	)	

ORDER

AND NOW, this 10<sup>th</sup> day of May 2012, the Plaintiff having been granted in forma pauperis status, the Complaint in this action [ECF No. 3] was filed on July 12, 2011. An Amended Complaint was filed on September 26, 2011 [ECF No. 7]. On December 27, 2011, Defendant Geagan filed a Motion to Dismiss the Amended Complaint [ECF No. 19].

On February 1, 2011, the Magistrate Judge filed a Report and Recommendation [ECF No. 31] respectfully recommending that the Defendant Geagan's Motion to Dismiss the Amended Complaint [ECF No. 19] be granted in part and denied in part. Specifically, the Magistrate Judge recommended that the Fifth, Sixth, and Fourteenth Amendment claims against Geagan be dismissed with prejudice, and that the Motion to Dismiss the Fourth Amendment claims be denied. The parties were directed to file Objections to this Report and Recommendation, but an error was made in the date by which that filing was to be made. In order to correct that error and to ensure that the parties were given adequate time in which to respond, an Order was entered on April 12, 2012 vacating the original Report and Recommendation. An Amended Report and Recommendation was filed the same day. [ECF

No. 35]. In the Amended Report and Recommendation, the parties were directed to file Objections on or before April 26, 2012. As of the date of this Order, no Objections have been filed.

Upon independent review of the record, and upon consideration of the Magistrate Judge's Amended Report and Recommendation which is adopted as the opinion of this Court, IT IS HEREBY ORDERED that the Defendant's Motion to Dismiss the Amended Complaint [ECF No. 19] is GRANTED with prejudice as to all claims with the exception of those based on alleged Fourth Amendment violations. As to the Fourth Amendment claims, Geagan's Motion to Dismiss is DENIED.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc: Counsel of Record via CM-ECF

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